

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

\*\*\* FILED \*\*\*  
11/04/2002

10/31/2002

CLERK OF THE COURT  
FORM D000A

HONORABLE JOSEPH B. HEILMAN

D. Berkland  
Deputy

FC 2001-070562

IN RE THE MARRIAGE OF  
TRACY M MATZEN

FILED: \_\_\_\_\_

TRACY M MATZEN  
17443 N 28TH AVE  
PHOENIX AZ 85053

AND

CORI E MATZEN

CORI E MATZEN  
UP

MATTHEW M NICELY

MINUTE ENTRY

2:35 p.m. In chambers: This is the time set for Status Conference. Petitioner is present and represented, on a limited basis, by Mathew Nicely. Respondent is present on her own behalf.

A recording of this proceeding is being made by CD/video in lieu of a court reporter.

The Court informs the parties and counsel that it has received and reviewed Petitioner's Motion to Continue Trial.

LET THE RECORD REFLECT that Respondent/Mother objects to Petitioner's Motion to Continue Trial.

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Discussion ensues between the Court, counsel, and the parties with regard to Petitioner's Motion to Continue Trial and the delay involved in the custody evaluation pending through Conciliation Services.

Based upon the discussion held on the record,

IT IS ORDERED vacating the **Trial** currently scheduled for November 5, 2002 and **resetting** same to **January 22, 2003 at 1:30 p.m.** (1/2 day allotted), before the Honorable Joseph B. Heilman, located at 14264 West Tierra Buena Lane, Courtroom 122, Surprise, Arizona 85374.

IT IS FURTHER ORDERED setting this matter for **Pretrial Conference** on **January 3, 2003 at 9:00 a.m.**, before the Honorable Joseph B. Heilman, located at 14264 West Tierra Buena Lane, Courtroom 122, Surprise, Arizona 85374.

Both parties, together with their counsel, if represented, **shall appear in person**, and be prepared to discuss the management of this case including the matters set forth in Rule 16(c) Arizona Rules of Civil Procedure ("A.R.Civ.P"). Any party who permanently resides out of the State of Arizona may appear telephonically at this conference **only** by calling the Court **(602) 506-0292** at the time of the Conference. **IF ONLY ONE PARTY APPEARS, THE COURT MAY ENTER A DEFAULT AGAINST THE ABSENT PARTY, AND ALLOW THE PARTY THAT APPEARS TO PROCEED BY DEFAULT AND/OR ISSUE A CIVIL ARREST WARRANT FOR THE PARTY WHO FAILS TO APPEAR. IF BOTH PARTIES FAIL TO APPEAR, THE ACTION MAY BE DISMISSED.**

**NOTE:** Prior to all hearings or court appearances, the parties or counsel representing them are directed to check in with a member of the Court's staff in **Suite B** to advise of their presence.

**Parent Education Program**

10/31/2002

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IT IS FURTHER ORDERED that in the event the parties have a natural or an adopted minor, unemancipated child in common, both parties shall have completed an approved Parent Education Program in accordance with Arizona Revised Statutes ("A.R.S.") Section 25-351 et seq. prior to the Comprehensive Pretrial Conference, and file proof thereof prior to or at the time of Conference. **IF NEITHER PARTY HAS COMPLETED THE PARENT EDUCATION PROGRAM PRIOR TO THE CPTC, THE COURT MAY VACATE THE CPTC AND REQUIRE COMPLIANCE PRIOR TO PROCEEDING.**

**Pre-Trial Conference Statement**

IT IS FURTHER ORDERED that each party shall file and provide this Division with a copy of a **Joint** Pretrial Conference Statement at least five days before the CPTC. The Joint Pre-Trial Conference Statement shall state:

1. The details of all agreements reached by the parties on all substantive and procedural issues.

2. The date each parent filed with the court proof of compliance with the Parental Education Program requirements of A.R.S. Section 25-351 et seq., or a declaration that each parent who has not completed such requirements will file such proof of compliance prior to or at the time of the CPTC.

3. To assist the Court in determining the reasonableness of each party's positions in any subsequent requests for attorney's fees pursuant to A.R.S. Section 25-324 and 12-349, each party shall set forth a brief statement of his or her position on each remaining contested issue. This statement shall not include the reasons why the party is taking the position, but simply the position on each contested issue.

4. Specific proposals by the party on how the remaining contested issues can be resolved or narrowed without trial including requests for testing, evaluation, or appraisal, and the

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utilization of any appropriate Alternative Dispute Resolution (ADR) procedures.

5. All remaining discovery and disclosure which needs to be completed prior to trial.

6. An estimate of the length of trial needed, and if witnesses other than the parties will testify, who will testify, the estimated time of trial needed for each witness, and a brief summary of the testimony expected from each witness.

**IT IS FURTHER ORDERED** that each party shall attach to the Joint Pretrial Conference Statement and bring to the Comprehensive Pretrial Conference:

1. An affidavit of current financial circumstances pursuant to Rule 6.4(b), Local Rules of Maricopa County, unless one was filed within the last 12 months; and

2. A current and detailed inventory and appraisal of the property and assets of the parties, unless one was filed within the last 12 months; and

3. If there are disputed custody and child support issues, the Joint Pretrial Conference Statement shall include a Child Support Worksheet completed pursuant to the Statewide Child Support Guidelines, unless one was filed within the last 12 months.

4. A copy of your marriage license if the type of your marriage (Covenant or Non-covenant) is disputed.

IT IS FURTHER ORDERED that each party shall provide the following to the Court at least 3 days prior to the hearing date:

1. An Affidavit of Financial Information.

2. Child Support Worksheet.

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IF EITHER PARTY DOES NOT TIMELY FILE A JOINT PRETRIAL CONFERENCE STATEMENT, FAILS TO PROVIDE A POSITION STATEMENT ON A CONTESTED ISSUE, OR FAILS TO OBEY THIS PRETRIAL ORDER TO COMPLETE THE PARENT EDUCATION PROGRAM, OR FAILS TO APPEAR AT THE COMPREHENSIVE PRETRIAL CONFERENCE, THE COURT MAY IMPOSE ANY AND ALL SANCTIONS ALLOWED BY RULES 16(f), 37(b)(2)(B) (C), OR (D), AND 64.1(b) OF THE ARIZONA RULES OF CIVIL PROCEDURE AND A.R.S. Sec. 25-353.

2:48 p.m. Matter concludes.

Attachment for mailing: Position Statement